

South Australia

Dentists Regulations 1988

under the *Dentists Act 1984*

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THE FIRST SCHEDULE

THE SECOND SCHEDULE

THE THIRD SCHEDULE

Legislative history

1—Short title

These regulations may be cited as the *Dentists Regulations 1988*.

2—Revocation

The following regulations are revoked—

- (a) the *Dentists Act (Electoral) Regulations, 1985* (see *Gazette*, 13 June 1985, p. 2168); and
- (b) the *Dentists Regulations, 1985* (see *Gazette*, 5 December 1985, p. 1703).

3 These regulations will come into operation on 1 June 1988.

4—Interpretation

In these regulations—

the Act means the *Dentists Act, 1984*:

corporate practitioner means a company registered on the general register or the register of clinical dental technicians.

5—Application for registration by a natural person

An application by a natural person for registration or reinstatement of registration on—

- (a) the general register;
- (b) the specialist register;
- (c) the register of clinical dental technicians; or
- (d) the register of dental hygienists,

must be accompanied by—

- (e) the supporting evidence and documents referred to in the application; and
- (f) the prescribed fee for registration or reinstatement of registration, and the prescribed annual practice fee.

6—Application for registration by a company

An application by a company for registration on—

- (a) the general register; or
- (b) the register of clinical dental technicians,

must be accompanied by—

- (c) the supporting evidence and documents referred to in the application; and
- (d) the prescribed fee for registration and the prescribed annual practice fee.

7—Qualifications for registration on the general register

The qualifications for registration of a natural person on the general register are—

- (a) those prescribed by the second schedule; or
- (b) any qualifications recognized by the Board as being of equivalent standard.

8—Qualifications and experience for registration on the specialist register

The qualifications and experience for registration on the specialist register are—

- (a) the qualifications and experience prescribed by the third schedule; or
- (b) any qualifications and experience recognized by the Board as being of equivalent standard.

9—Prescribed branches of dentistry in relation to which a person may be registered as a specialist

For the purposes of section 40(2) of the Act the following are prescribed branches of dentistry—

- dento maxillofacial radiology
- endodontics
- oral pathology
- oral and maxillofacial surgery
- orthodontics
- paedodontics
- periodontics
- prosthodontics.

10—Qualifications for registration as clinical dental technician

- (1) The following qualifications are required for registration as a clinical dental technician:
 - (a) satisfactory completion of a course of at least one academic year (or the equivalent of one academic year) in clinical technical dentistry conducted by a university or other body or by a Department of the Government of a State or Territory of the Commonwealth; and
 - (b) completion to the satisfaction of the Dental Board of South Australia of an examination in clinical technical dentistry conducted by or on behalf of the Board.
- (2) The course referred to in subregulation (1)(a) must be a course that the Board has approved either before or after the completion of the course by the applicant.
- (3) Before deciding whether or not to approve a course referred to in subregulation (1)(a) or deciding the form and content of an examination referred to in subregulation (1)(b), the Board must consult the Clinical Dental Technicians Registration Committee and have regard to its views.

11—Qualifications for registration as a dental hygienist

The qualifications for registration as a dental hygienist are—

- (a) the Certificate or Associate Diploma in Dental Hygiene awarded by the South Australian Department of Technical and Further Education; or
- (b) —
 - (i) satisfactory completion of a course of training in dental hygiene that is of at least one academic year in duration at a School of Dental Hygiene approved by the Dental Board of South Australia; and
 - (ii) satisfactory completion of an examination in dental hygiene conducted by the South Australian Department of Technical and Further Education.

12—Restrictions and conditions on the provision of dental treatment by dental hygienists

- (1) The provision of dental treatment by a dental hygienist is subject to the following restrictions and conditions:
 - (a) the dental treatment must fall within the following categories:
 - (i) chairside assisting duties;
 - (ii) dental health education (including dietary counselling for dental purposes);
 - (iii) the recording of periodontal disease or instruction in, and the supervision and recording of, plaque control routines;
 - (iv) prophylaxis (including the polishing of restorations if required);
 - (v) fluoride therapy and associated procedures or the application of remineralising solutions or desensitising agents;
 - (vi) debridement to remove deposits from teeth (other than debridement involving definitive subgingival scaling, root planing or both);
 - (vii) the application and removal of rubber dam;
 - (viii) the application of fissure sealants;
 - (ix) the removal of supragingival and subgingival deposits of calculus from teeth;
 - (x) root planing;
 - (xi) the application and removal of periodontal packs and the removal of sutures and irrigation of the mouth (including pre-operative and post-operative instructions);
 - (xii) the taking of alginate impressions;
 - (xiii) dental radiography (but only if the dental hygienist has qualifications in dental radiography recognised by the Board);
 - (xiv) orthodontic bands and attachment selection and removal of arch wires, bands and attachments; and
 - (b) the dental treatment must be supervised by a dentist who is on the premises at the time of the treatment unless—
 - (i) the treatment falls within one of the categories referred to in paragraph (a)(i) to (viii); and
 - (ii) the treatment is provided on the premises of the Julia Farr Centre or at a supported residential facility as defined in section 3 of the *Supported Residential Facilities Act 1992*; and
 - (iii) a medical practitioner or a registered nurse is at close call during the time of the treatment; and
 - (c) the dental treatment must be provided in accordance with a treatment plan prepared by a dentist who has personally examined the patient; and

- (d) a dentist must examine a patient as soon as practicable on completion by a dental hygienist of the treatment plan referred to in paragraph (c).
- (2) A treatment plan referred to in subregulation (1)(c)—
 - (a) must be in writing signed and dated by the dentist who prepared it; and
 - (b) will be effective for not more than six months.

13—Annual return by a corporate practitioner

- (1) In this regulation—

annual return means the return that a corporate practitioner is required to lodge under section 46(1)(b) of the Act:

return period means the period of 12 months ending on 30 June immediately preceding the month in which the annual return is required to be lodged.

- (2) An annual return must be in the appropriate form prescribed by the first schedule.
- (3) An annual return must state—
 - (a) the address in the State of—
 - (i) the registered office of the corporate practitioner;
 - (ii) the principal place at which the practitioner practices; and
 - (iii) every other place at which the practitioner practices;
 - (b) the telephone number of the principal place of practice;
 - (c) any business name under which the practitioner practices;
 - (d) the following information in relation to every person who was a director of the corporate practitioner during the return period:
 - (i) the full name of the director;
 - (ii) the residential address of the director;
 - (iii) whether the director was registered throughout the return period;
 - (iv) where the director was registered during part only of the return period, the date on which the director became or ceased to be registered;
 - (v) where the director was a prescribed relative of another director of the corporate practitioner during the return period—
 - (A) details of the prescribed relationship; and
 - (B) where the director became or ceased to be a prescribed relative of the other director during the return period, the date on which the director became or ceased to be a prescribed relative;
 - (e) the following information in relation to every person who was a member of the corporate practitioner during the return period—
 - (i) the full name of the member;
 - (ii) the residential address of the member;

- (iii) whether the member was registered throughout the return period;
- (iv) where the member was registered during part only of the return period, the date on which the member became or ceased to be registered;
- (v) where the member was a prescribed relative of a director or employee of the corporate practitioner during the return period—
 - (A) details of the prescribed relationship; and
 - (B) where the member became or ceased to be a prescribed relative of a director or employee of the corporate practitioner during the return period, the date on which the director became or ceased to be such prescribed relative;
- (f) the following information in relation to every person who was a beneficial owner of shares in the corporate practitioner during the return period—
 - (i) the full name of the beneficial owner;
 - (ii) the residential address of the beneficial owner;
 - (iii) details of the shares—including number, nominal value and voting rights attached to the shares;
 - (iv) the full name of the person in whose name the shares were registered;
 - (v) the residential address of the person in whose name the shares were registered;
 - (vi) if the shares were held subject to a trust—details of the trust;
 - (vii) where a person became or ceased to be the beneficial owner of shares during the return period—
 - (A) the date on which he or she became or ceased to be a beneficial owner; and
 - (B) details of the circumstances in which he or she became or ceased to be beneficial owner;
 - (viii) where the beneficial owner of shares was a prescribed relative of a director or employee of the corporate practitioner during the return period—
 - (A) details of the prescribed relationship; and
 - (B) where the beneficial owner of shares became or ceased to be a prescribed relative of a director or employee of the corporate practitioner the date on which he or she became or ceased to be a prescribed relative;
 - (ix) whether the beneficial owner of shares was registered;
 - (x) where the beneficial owner of shares became or ceased to be registered during the return period the date on which he or she became or ceased to be registered.

14—Corporate practitioner not to assume name calculated to attract patients or clients

A corporate practitioner must not assume any name calculated to attract patients or clients.

Penalty: \$2 000.

15—Selection of dentists for nomination for appointment to the Board

The dentists who are to be nominated for appointment to the Board under section 6(1)(b) will be selected as follows:

- (a) Where there is a vacancy or vacancies to be filled under that paragraph the Board will circularize all registered dentists inviting nominations for the vacancy or vacancies.
- (b) A nomination—
 - (i) must be in writing signed by the nominee and at least two other registered dentists; and
 - (ii) must be forwarded so as to reach the Board not later than 21 days after the date of the circular.
- (c) Where the number of nominations does not exceed the number of vacancies to be filled, the Board will treat the nominees as having been duly nominated for the purposes of the Act and forward the names of the nominees to the Governor.
- (d) Where the number of nominees exceeds the number of vacancies the Board will have ballot papers prepared setting out the names of all dentists duly nominated for appointment.
- (e) A ballot paper (together with an envelope in which it is to be enclosed and the Board's voting instructions) will be sent by the Board to each registered dentist (except corporate practitioners).
- (f) A dentist votes by—
 - (i) marking a tick or cross by the name of the candidates for whom the dentist desires to vote (but the number of candidates for whom the dentist votes must not exceed the number of vacancies to be filled);
 - (ii) folding the ballot paper, enclosing it in the envelope provided and completing the endorsements on the envelope in accordance with the Board's voting instructions; and
 - (iii) returning the envelope to the Board in accordance with the Board's voting instructions.
- (g) A vote will be rejected if the endorsements on the envelope in which it is contained have not been duly completed in accordance with the Board's voting instructions.
- (h) Where the Registrar is satisfied by inspection of the endorsement that an envelope contains a ballot paper from a registered dentist, the Registrar will have the envelope opened and, without unfolding the ballot paper, place it in a ballot box.

- (i) Where the time allowed by the Board for return of ballot papers has expired and all envelopes returned within that time have been either rejected or dealt with in accordance with paragraph (h), the Registrar will count the votes.
- (j) A candidate is entitled to inspect the ballot papers and the envelopes in which they were contained in order to verify the results obtained by the Registrar.
- (k) The Board will forward to the Governor that nomination or those nominations (as the case requires) that are supported by the greatest number of votes.
- (l) If there is an equality of votes between two or more candidates, the nomination or nominations to be forwarded to the Governor will be determined by lot under the direction of the Board.

16—Fees or charges which may be prescribed by the Board

- (1) The Board may prescribe fees or charges in relation to—
 - (a) annual practice;
 - (b) corporate practitioners;
 - (c) the inspection of registers;
 - (d) the issue of documents;
 - (e) printed matter supplied by the Board;
 - (f) the recognition of qualifications or experience;
 - (g) registration and reinstatement of registration.
- (2) The Board may recover a fee or a charge as a debt.

17—Exemption from registration and annual practice fees

Where—

- (a) a person—
 - (i) is employed as a dentist on a full-time basis by the Australian Government or the Royal Flying Doctor Service (S.A. Branch) Inc.; and
 - (ii) is registered as a dentist in another State or a Territory of the Commonwealth; and
- (b) the appropriate periodical registration or practice fees have been paid under the law of that State or Territory,

that person is exempt from the payment of registration and annual practice fees under the Act.

18—Section 58(1)—Prescribed Information

For the purposes of section 58(1) of the Act the prescribed information is the following—

- (a) the nature of the practice in which the registered person is engaged or employed;
- (b) the addresses of the registered person's current and last preceding place of practice;

- (c) if the registered person is in employment the full name and business address of the registered person's current employer;
- (d) whether the registered person practices full-time or part-time;
- (e) the number of hours per week for which the registered person is normally engaged in practice;
- (f) any period during the preceding 12 months for which the registered person was not engaged in practice;
- (g) the name of any other registering authority with which the registered person has professional registration.

19—Section 61(1)—Prescribed Information

For the purposes of section 61(1) of the Act the prescribed information is as follows—

- (a) the diagnosis of the patient's illness;
- (b) the prognosis (including the likely duration) of the patient's illness;
- (c) a description of any treatment being received by the patient for any mental or physical illness or disability;
- (d) a description of any form of dental treatment that the patient is not in the opinion of the medical practitioner fit to provide.

20—Section 80—Prescribed Information

For the purposes of section 80 of the Act the prescribed information is as follows—

- (a) the nature of the treatment or procedure that is alleged to have been carried out negligently;
- (b) full details of the alleged negligence;
- (c) the address of the premises at which the negligence is alleged to have occurred;
- (d) the time and date of the alleged negligence; and
- (e) full details of the injury suffered or allegedly suffered by the claimant as a result of the alleged negligence.

21—Untrue or Misleading Documents

No person shall lodge a document with the Board containing any false or deliberate misleading information.

Penalty: \$2 000.

THE FIRST SCHEDULE

Forms

Corporate

[Regulation 13(2)]

SOUTH AUSTRALIA

Dentists Act, 1984

The Dentists Regulations, 1988

Annual Return of a company registered on the general register or the register of clinical dental technicians

Return of
(name of company)

a corporate practitioner registered on the
(insert appropriate register)
pursuant to the Dentists Act, 1984 ("the company") with respect to the period ("the return period")
ending on the thirtieth day of June ("the return date") preceding the lodging of this return.

PART A—Requirements pursuant to sections 46 (2) (a) (b) and (c) of the Act

(a) Full name and usual residential address of every person who, on the return date was:

(i) a director or a member of the company;

or

(ii) had a right to participate in the distribution of the profits of the company.

Full name	Usual residential address
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(b) the number of shares in the company held by each such person and the number of votes that such person was entitled to cast at a meeting of members of the company.

Full name	Number of shares	Number of votes
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(c) In relation to each such person who was a member of the company, the qualification by virtue of which that person was entitled to be a member of the company.

Full name	Qualification
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PART B—Other information—section 46 (1) (d) of the Act

1. The company and particulars of practice in the State—

(a) The address of—

(i) the registered office of the company:

(ii) the principal place where the company practises:

and

(iii) every other place where the company practises:

(b) Telephone number of the principal place where the company practises:

(c) Business name of each practice conducted under a business name by the company:

2. DIRECTORS OF THE COMPANY

In relation to every person who was a Director of the company during the return period

Full name	Residential address	Whether director was a registered person, or a prescribed relative of another director of the company	Where director was a registered person for part of the return period—date on which director became or ceased to be a registered person	Where director was a prescribed relative of another director of the company—details of relationship and if the relationship commenced or ceased during the return period the date of commencement of cessation of the relationship

3. MEMBERS OF THE COMPANY

In relation to every person who was a member of the company during the return period	
Full name of member	Where member was a prescribed relative of a director or employee of the company for part of the return period—date on which member became or ceased to be such prescribed relative
Residential address of member	Where member was a registered person for part of the return period—date on which member became or ceased to be a registered person
	Where member was a prescribed relative of a director or employee of the company—details of prescribed relationship

4. BENEFICIAL OWNERS OF SHARES IN THE COMPANY

In relation to every person who was a beneficial owner of shares in the company during the return period

Full name of beneficial owner of shares	Residential address of beneficial owner of shares	Description of shares including number, nominal value and voting rights attached to shares	Full name of person in whose name shares were registered	Residential address of person in whose name shares were registered	Details of beneficial ownership of shares including any documentary evidence of beneficial ownership	Where beneficial owner of shares became or ceased to be the beneficial owner of shares during the return period— (i) date when beneficial owner of share became or ceased to be a beneficial owner; and (ii) details of circumstances in which beneficial owner became or ceased to be a beneficial owner
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4. BENEFICIAL OWNERS OF SHARES IN THE COMPANY—(Continued)

Whether beneficial owner of shares was a prescribed relative of a director or employee of the company	Where beneficial owner of shares was a prescribed relative of a director or employee of the company during part of the return period—date on which beneficial owner became or ceased to be a prescribed relative	Where beneficial owner of shares was a prescribed relative of a director or employee of the company during the return period—details of relationship	Whether beneficial owner of shares was a registered person	Where beneficial owner of shares became or ceased to be a registered person during the return period—the date on which the beneficial owner of shares became or ceased to be a registered person
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DATED 19

The Common Seal of
 (Name of Company)

was affixed in the presence of:

.....
 Director

.....
 Secretary

THE SECOND SCHEDULE

[Regulation 7]

QUALIFICATIONS FOR REGISTRATION ON THE GENERAL REGISTER

Qualification	Body Awarding Qualification
Bachelor of Dental Surgery	University of Adelaide
Bachelor of Dental Science	University of Melbourne
Bachelor of Dental Science	University of Queensland
Bachelor of Dental Surgery	University of Sydney
Bachelor of Dental Science	University of Western Australia

OR

a certificate issued by the Australian Dental Examining Council or the Australian Dental Council certifying that the person applying to be registered on the general register has satisfactorily completed the examinations conducted by that body.

THE THIRD SCHEDULE

[Regulation 8]

QUALIFICATIONS AND EXPERIENCE FOR REGISTRATION ON THE SPECIALIST REGISTER

Qualification	Body Awarding Qualification	Experience
A.—		
1.		
Bachelor of Dental Surgery	University of Adelaide	
Bachelor of Dental Science	University of Melbourne	
Bachelor of Dental Science	University of Queensland	
Bachelor of Dental Surgery	University of Sydney	
Bachelor of Dental Science	University of Western Australia	
OR		
2. A certificate issued by the Australian Dental Examining Council or the Australian Dental Council certifying that the person applying to be registered has satisfactorily completed the examinations conducted by that Body.		
AND		
B.—		
1.		
Master of Dental Surgery	University of Adelaide	(1) Subject to subclause (2), the following experience is required:
Master of Dental Science	University of Melbourne	
Master of Dental Science	University of Queensland	(a) two years of practice in general dentistry; and
Master of Dental Science	University of Sydney	(b) four years of experience in

Master of Dental Science	University of Western Australia	relation to the relevant specialty consisting of—
Diploma in Oral Surgery	Royal Australasian College of Dental Surgeons	(i) experience gained in the course of completing one of the specialist qualifications in the first column; and
		(ii) experience gained in the course of the exclusive practice in the relevant specialty after completing the relevant qualification in the first column.
		(2) In relation to oral and maxillofacial surgery, one year's experience is required under paragraph (a) and five years' experience is required under paragraph (b).

OR

Qualification	Experience
2. Registration as a dentist under the repealed Act during a continuous period of 4 years ending on 22 August, 1985.	Exclusive practice on a continuous period of 4 years ending on 31 December, 1987, in one of the following specialist branches of dentistry: <ul style="list-style-type: none">(a) dento maxillofacial radiology;(b) endodontics;(c) oral pathology;(d) oral and maxillofacial surgery;(e) orthodontics;(f) paedodontics;(g) periodontics;(h) prosthodontics.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Revocation of regulations

These regulations became obsolete on the repeal of the Dentists Act 1984 on 19.6.2003

Principal regulations and variations

Year	No	Reference	Commencement
1988	88	<i>Gazette 26.5.1988 p1360</i>	1.6.1988: r 3
1990	225	<i>Gazette 15.11.1990 p1523</i>	15.11.1990
1991	261	<i>Gazette 19.12.1991 p1967</i>	19.12.1991
1996	187	<i>Gazette 15.8.1996 p672</i>	15.8.1996: r 2
1997	1	<i>Gazette 2.1.1997 p36</i>	2.1.1997: r 2
1997	28	<i>Gazette 13.3.1997 p1190</i>	13.3.1997: r 2

Provisions varied

Provision	How varied	Commencement
r 10	substituted by 261/1991 r 2	19.12.1991
r 11	varied by 225/1990 r 2	15.11.1990
r 12		
r 12(1)	substituted by 1/1997 r 3	2.1.1997
	varied by 28/1997 r 3	13.3.1997
Second schedule	varied by 187/1996 r 3	15.8.1996
Third schedule	substituted by 225/1990 r 3	15.11.1990
	varied by 187/1996 r 4	15.8.1996